

\$5,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967.

(Added Pub. L. 89-285, title II, § 201, Oct. 22, 1965, 79 Stat. 1030; amended Pub. L. 89-574, § 8(a), Sept. 13, 1966, 80 Stat. 768; Pub. L. 90-495, § 6(e), Aug. 23, 1968, 82 Stat. 818; Pub. L. 91-605, title I, § 122(b), Dec. 31, 1970, 84 Stat. 1726; Pub. L. 93-643, § 110, Jan. 4, 1975, 88 Stat. 2285.)

AMENDMENTS

1975—Subsec. (j). Pub. L. 93-643 substituted provision that compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law, for provision relating to payment of just compensation for relocation, removal, or disposal of junkyards (1) lawfully in existence on Oct. 22, 1965, (2) lawfully along any highway made a part of the interstate or primary system on or after Oct. 22, 1965, and before Jan. 1, 1968, and (3) lawfully established on or after Jan. 1, 1968.

1970—Subsec. (m). Pub. L. 91-605 authorized to be appropriated not to exceed \$3,000,000, \$3,000,000, and \$5,000,000, for the fiscal years ending June 30, 1971, 1972, and 1973, respectively.

1968—Subsec. (m). Pub. L. 90-495 inserted provision authorizing an appropriation of not to exceed \$3,000,000 for the fiscal year ending June 30, 1970.

1966—Subsec. (m). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this section after June 30, 1967, the provisions of chapter 1 of this title relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this section.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-495 effective August 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 502 of this title.

ACQUISITION OF DWELLINGS

Prohibition against the use of eminent domain to acquire any dwelling (including related buildings) under the terms of Pub. L. 89-285, see section 305 of Pub. L. 89-285, set out as a note under section 131 of this title.

TAKING OF PRIVATE PROPERTY WITHOUT JUST COMPENSATION

Prohibition against the taking of private property or the restriction of reasonable and existing use by such taking without just compensation under the terms of Pub. L. 89-285, see section 401 of Pub. L. 89-285, set out as a note under section 131 of this title.

§ 137. Fringe and corridor parking facilities

(a) The Secretary may approve as a project on a Federal-aid highway the acquisition of land adjacent to the right-of-way outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of fifty thousand population or more. Such parking facility shall be located and designed in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall

not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

(b) The Secretary shall not approve any project under this section until—

(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including necessary requirements to insure that adequate public transportation services will be available to persons using such facility; and

(3) he has approved design standards for constructing such facility developed in cooperation with the State transportation department.

(c) The term “parking facilities” for purposes of this section shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

(d) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

(e) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

(f)(1) The Secretary may approve for Federal financial assistance from funds apportioned under section 104(b)(4), projects for designating existing facilities, or for acquisition of rights of way or construction of new facilities, for use as preferential parking for carpools, provided that such facilities (A) are located outside of a central business district and within an interstate highway corridor, and (B) have as their primary purpose the reduction of vehicular traffic on the interstate highway.

(2) Nothing in this subsection, or in any rule or regulation issued under this subsection, or in any agreement required by this subsection, shall prohibit (A) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility designated or constructed under this subsection, or (B) any such person from so operating such facility. Any fees charged for the use of any such facility in connection with the purpose of this subsection shall not be in excess of the amount required for operation and maintenance, including compensation to any person for operating the facility.

(3) For the purposes of this subsection, the terms “facilities” and “parking facilities” are synonymous and shall have the same meaning given “parking facilities” in subsection (c) of this section.

(Added Pub. L. 89-574, §8(c)(1), Sept. 13, 1966, 80 Stat. 768; amended Pub. L. 91-605, title I, §134(a), Dec. 31, 1970, 84 Stat. 1733; Pub. L. 97-424, title I, §118, Jan. 6, 1983, 96 Stat. 2110; Pub. L. 105-178, title I, §§1103(l)(3)(B), 1212(a)(2)(A)(i), June 9, 1998, 112 Stat. 126, 193; Pub. L. 109-59, title I, §1921, Aug. 10, 2005, 119 Stat. 1480.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59 substituted “on a Federal-aid highway” for “on the Federal-aid urban system”.

1998—Subsec. (b)(3). Pub. L. 105-178, §1212(a)(2)(A)(i), substituted “State transportation department” for “State highway department”.

Subsec. (f)(1). Pub. L. 105-178, §1103(l)(3)(B), substituted “section 104(b)(4)” for “section 104(b)(5)(B) of this title”.

1983—Subsec. (f). Pub. L. 97-424 added subsec. (f).

1970—Pub. L. 91-605 substituted “Fringe and corridor parking facilities” for “Limitation on authorization of appropriations for certain purposes” in section catchline.

Subsec. (a). Pub. L. 91-605 substituted provisions permitting the Secretary to approve construction of publicly owned parking facilities under the Federal-aid urban system for provisions limiting authorization of appropriations under section 131, 136, and 319(b) of this title, or any highway safety bill enacted after May 1, 1966 by preventing these sections and provisions from being construed as authority for any appropriations not specifically authorized in these sections and provisions.

Subsec. (b). Pub. L. 91-605 substituted provisions preventing project approval by the Secretary unless the State or political subdivision thereof where the project is located can construct, maintain, and operate the facility, unless the Secretary has entered into an agreement with the State or political subdivision governing the financing, maintenance, and operation of the facility, and unless the Secretary has approved design standards for construction of the facility for provisions limiting authorization of appropriations under sections 131, 136, and 319(b) of this title, or any highway safety bill enacted after May 1, 1966 by preventing appropriations to carry out these sections and provisions unless they are specific as to the amount authorized and as to the fiscal year.

Subsec. (c). Pub. L. 91-605 substituted provisions defining “parking facilities” for provisions limiting authorization of appropriations under sections 131, 136, and 319(b) of this title, or any highway safety bill enacted after May 1, 1966 by preventing the highway trust fund from being a source of appropriation for these sections and provisions in an amount exceeding the tax imposed by section 4061(a)(2) of Title 26, if such tax was imposed at a rate of 1% plus additional amounts appropriated from the general fund to the highway trust fund for such purposes except that the total of all appropriations made from such fund to carry out these sections and provisions shall never exceed the total of all appropriations made to such fund based on the imposition of such tax plus additional amounts appropriated from the general fund to the highway trust fund for such purposes.

Subsecs. (d), (e). Pub. L. 91-605 added subsecs. (d) and (e).

TRUCK PARKING FACILITIES

Pub. L. 109-59, title I, §1305, Aug. 10, 2005, 119 Stat. 1214, provided that:

“(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary [of Transportation] shall establish a pilot program to address the shortage of long-term parking for commercial motor vehicles on the National Highway System.

“(b) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The Secretary [of Transportation] shall allocate funds made available to carry out this section among States, metropolitan planning organizations, and local governments.

“(2) APPLICATIONS.—To be eligible for an allocation under this section, a State (as defined in section 101(a) of title 23, United States Code), metropolitan planning organization, or local government shall submit to the Secretary an application at such time and containing such information as the Secretary may require.

“(3) ELIGIBLE PROJECTS.—Funds allocated under this subsection shall be used by the recipient for projects described in an application approved by the Secretary. Such projects shall serve the National Highway System and may include the following:

“(A) Constructing safety rest areas (as defined in section 120(c) of title 23, United States Code) that include parking for commercial motor vehicles.

“(B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas.

“(C) Opening existing facilities to commercial motor vehicle parking, including inspection and weigh stations and park-and-ride facilities.

“(D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on the National Highway System using intelligent transportation systems and other means.

“(E) Constructing turnouts along the National Highway System for commercial motor vehicles.

“(F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to remain open year-round.

“(G) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

“(4) PRIORITY.—In allocating funds made available to carry out this section, the Secretary shall give priority to applicants that—

“(A) demonstrate a severe shortage of commercial motor vehicle parking capacity in the corridor to be addressed;

“(B) have consulted with affected State and local governments, community groups, private providers of commercial motor vehicle parking, and motorist and trucking organizations; and

“(C) demonstrate that their proposed projects are likely to have positive effects on highway safety, traffic congestion, or air quality.

“(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall submit to Congress a report on the results of the pilot program.

“(d) FUNDING.—

“(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$6,250,000 for each of fiscal years 2006 through 2009.

“(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project under this section shall be determined in accordance with sections 120(b) and 120(c) of such title.

“(e) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects funded under this section shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.”

§ 138. Preservation of parklands

(a) DECLARATION OF POLICY.—It is declared to be the national policy that special effort should be made to preserve the natural beauty of the